

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

.....

Student Doe II

v.

**Davies Career and Technical
High School**

.....

DECISION

Held: Student Doe is appealing a decision of the Davies Center to deny her promotion to senior status. After examining the facts in this matter, we find there is no evidence to justify the Commissioner in altering the final grade assigned to this student in her Cosmetology class. The appeal is therefore denied and dismissed.

DATE: August 25, 2006

Jurisdiction and Travel of the Case

This is an appeal from a decision of officials at the Davies Career and Technical Center to refuse to promote the petitioner's daughter, a student at Davies, to senior status. This decision was based on the student's failure to pass her class in cosmetology. Jurisdiction is present under R.I.G.L. 16-39-1 and R.I.G.L. 16-39-2.

Positions of the Parties

Position of the Parent

The parent contends that her daughter's grades in cosmetology were incorrectly computed and that her daughter's cosmetology teacher did not make a sufficient effort to help her daughter remediate her low grades in practical cosmetology. The parent contends that her daughter was not granted sufficient make up work, that her daughter received grades of "0" which were not justified, and that a summer program was not arranged for her daughter. The parent therefore contends that her daughter should be promoted in spite of the fact that she has failed her cosmetology shop class.

Position of Davies

The Davies Career and Technical Center submits that the grading of this student's work was appropriate and that great efforts were made to help this student be successful in her cosmetology class. Davies therefore submits that this student should not be promoted until she attains a passing grade in her cosmetology class.

Findings of Fact

1. The student in this case is a 17 year old junior at the Davies Career and Technical Center who has been denied promotion to her senior year because she has failed to pass her cosmetology class. She failed three of the four quarters in cosmetology. Her final grade was 63.
2. It is the policy at Davies that even if a student has passed all of his or her academic subjects the student cannot be promoted to the next grade if the student has not passed his or her shop class.
3. The student's cosmetology teacher has been a cosmetologist since 1955. She has over 25 years experience as a teacher of cosmetology. She has a bachelors and a master's degree in education from Rhode Island College. She holds the teaching certificates that are requisite to her position.

4. The teacher in this case has endeavored to provide this student with extra help but the student has not made a very consistent effort to avail herself of the help.
5. The teacher has provided this student with after-class opportunities to make up schoolwork, but the student has not been consistent in making use of these opportunities.
6. The grades assigned to this student were correctly computed.

Conclusions of Law

While the Commissioner has more authority than a court does to review a academic decisions, the Commissioner, in most cases, will review a local grading decision only to determine whether the grading decision was arbitrary, contrary to state-wide academic policy, based upon incorrectly computed grade, or made in bad faith.¹

Discussion

In the present case we can find no evidence of any of the factors that might justify the Commissioner in altering the grade that has been assigned to this student in her cosmetology class. The appeal must therefore be denied and dismissed.

Conclusion

The appeal is denied and dismissed.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

August 25, 2006
Date

¹ *Feit vs. Providence School Board*, Commissioner of Education, February 25, 1992. *Jane B.B. Doe v. Warwick School Committee*, Commissioner of Education, June 10, 1998.